ENNHRI European Network of National Human Rights Institutions

EU's next long-term budget (MFF) – ENNHRI Submission on the performance of the EU budget

The European Union is founded on the values of human dignity, freedom, democracy, equality, rule of law and human rights. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail (Article 2 of the Treaty on European Union (TEU) and the EU Charter of Fundamental Rights). **Promoting Union values should stand at the heart of the assessment of the performance of the EU budget and relevant EU funds**.

Ensuring fundamental rights compliance, through supporting the implementation of the EU Charter of Fundamental Rights will ensure – in line with article 2 TEU – that:

- human dignity is inviolable and must be respected and protected to constitute a real basis of fundamental rights;
- freedom of movement, giving citizens the right to move and reside freely within the Union, and related individual freedoms such as respect for private life, freedom of thought, religion, assembly, expression and information must be ensured;
- EU citizens are entitled to enjoy political rights, including standing as candidates and to vote in elections to the European Parliament;
- all EU citizens can enjoy equality equal rights before the law and the principle of equality between women and men, which underpins all European policies, is enforced;
- rule of law is enforced to ensure the functioning of the European Union, through the Treaties, and that law and justice are upheld by an independent judiciary and the European Court of Justice; and
- human rights are protected including the right to be free from discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the right to the protection of your personal data, and the right to get access to justice.

Hence, **ensuring compliance with promoting and protecting Union values and fundamental rights is a core need to ensure the well-functioning of the European Union in the years to come**.

NHRIs recognised actors for the promotion and protection of fundamental rights

In the context of reinforced EU commitments to strengthen the application of the Charter of Fundamental Rights in the EU, National Human Rights Institutions (NHRIs) have become recognized as key actors for the implementation of the Charter of Fundamental Rights.

Following the 2019 Council Conclusions on the Charter (para 17), the 2021 Common Provision Regulation (CPR) on EU funds develops a potential role for NHRIs in monitoring and contributing to the compliance with fundamental rights (EU Charter and UN CRPD) of EU funded programmes. While the CPR leaves a broad margin of appreciation for national authorities to set up their arrangements at national level, NHRIs are being approached by state authorities to become involved, and are engaging in seeking arrangements with state authorities concerning their involvement in the implementation of the CPR.

As a result, NHRIs have been increasingly involved in the implementation of the CPR, including in the context of the monitoring committees. As reported by FRA ('NHRI accreditation status and mandates - update 2024'), around half of the EU NHRIs indicate their involvement in the monitoring of fundamental rights compliance in the use of EU funds at the national level.

Role for NHRIs for the next MFF

On the basis of reports from ENNHRI members (including from Croatia, Finland, Greece, Ireland), relevant roles for NHRIs in the context of the CPR can be summarised as follows:

1. NHRIs take part of monitoring committees of EU funded programmes in an *advisory* capacity;
2. NHRIs develop fundamental rights curricula and awareness-raising for state authorities involved in the implementation of the EU funded programmes;
3. NHRIs engage on fundamental rights in the set-up and monitoring of EU funded programmes by building on their existing work, such as disseminating annual and special reports with recommendations

Opportunities for the EU

NHRIs have reported as notable advantages:

- The access to information on structural reforms taking place in a country, which are not often approached or understood by national authorities involved from a fundamental rights perspective;

- Access to, engagement with, and awareness-raising of policy-makers and civil servants of ministries involved in structural reforms (eg.: defense, agriculture ministries) which otherwise not necessarily engage on fundamental rights and with NHRIs;
- Potential integration of fundamental rights in structural reforms in a state, at the development, monitoring and implementation stages with possibly structural positive impacts for fundamental rights in a country.

Recommendations

While ENNHRI as network of NHRIs cannot play a direct role in the monitoring of fundamental rights compliance of EU funds in EU Member States, ENNHRI has raised awareness of NHRIs across the EU about both the potential of taking up such role and opportunities and challenges, including with a view to ensure compliance of the role with the international standards on NHRIs (UN Paris Principles). In 2022, at the initial stages of the implementation of the CPR, while no EU-level guidance existed yet on the potential role for NHRIs, ENNHRI collected information from its members and developed a common position outlining the potential roles, opportunities and challenges for NHRIs.

ENNHRI has also supported the capacity-building of NHRIs in this area, in cooperation with the EU Fundamental Rights Agency (FRA). While NHRIs continue to flag the need for further capacity-building and peer exchange, there is a potential to develop, on the basis of initial NHRI experience and projects, templates and guidance that could be supporting NHRIs across the region if they take up a role in the context of implementing and monitoring EU funds' compliance with fundamental rights.

1. **Based on its experience under the current CPR, ENNHRI recommends continuing to include and further develop fundamental rights conditionality of EU funds in the next CPR or equivalent.**

2. **and to strengthen technical, financial and political support for NHRIs and other independent bodies who take up a role in the implementation of the EU's CPR fundamental rights conditionality, including through their European Network (ENNHRI) for facilitating exchange and peer learning.**

About ENNHRI

ENNHRI is the European Network of National Human Rights Institutions. We bring together 49 National Human Rights Institutions (NHRIs) to enhance the promotion and protection of human

rights in Europe. Our network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.